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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/697,755
Filing Date: October 30, 2003
Appellant(s): NOBUSAWA ET AL.

Paul J. Esatto, Jr. (Reg. No. 30,749)
For Appellant

**SUPPLEMENTAL
EXAMINER'S ANSWER**

This is in response to the appeal brief filed February 22, 2011 appealing from the Office
action mailed June 22, 2010

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

An Appeal Brief was filed on January 28, 2008. A BPAI decision (Examiner - Affirmed) was mailed on August 26, 2009.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The statement of the status of claims contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent No. 6,223,029	Stenman et al.
U.S. Patent No. 6,078,270	Shim
U.S. Patent No. 5,671,267	August et al.
U.S. Patent Pub No. 2003/0156053	Wall et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16,19, 22,26, 29,32,36, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman et al (U.S. Patent No. 6,223,029) in view of Shim (U.S. Patent No. 6,078,270).

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Regarding claim 16, Stenman et al. teaches a mobile telephone with remote-controlling capability which remote-controls target equipment (Col. 3, Lines 22-29 and Col. 7, Lines 56-63) comprising:

storage means for storing a group of remote control codes for only one predetermined controlling operation to be performed on the target equipment (col. 3, lines 30-33; col. 7, lines 56-63, mobile station with control commands to which a device is responsive);

and transmission means for transmitting to the target equipment remote control codes as a batch for only one predetermined controlling operation on the target equipment in response to a user operation (col. 7, Lines 49-65, describe the user able to command the target device with control of touch screen, i.e., a controlling operation to control the piece of equipment).

Although Stenman teaches remotely controlling such devices as TV/VCR (Col. 7, Lines 15-21), Stenman does not specifically teach transmitting a group of remote control codes stored in the storage means in response to a user operation. Shim, however, teaches transmitting a group of remote control codes stored in the storage means in response to a user operation (Col. 1, Lines 32-58).

Stenman and Shim are analogous art because they are from a similar field of endeavor in providing control of other devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Stenman with the teaching of Shim of transmitting a group of remote

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control codes stored in the storage means in response to a user operation to provide a more user friendly remote controlling of devices (Col. 1, Lines 32-58).

Regarding claims 19, Stenman teaches a mobile telephone with remote-controlling capability which remote-controls target equipment, comprising:

an operation unit having a plurality of operation buttons (Col. 3, Lines 22-29 and Col. 7, Lines 56-63, mobile station with control commands to which a device is responsive);

storage means for storing various remote control codes associated with the plurality of operation buttons in a one-to-one relationship for various controlling operations on the target equipment (Col. 3, Lines 30-33 and Col. 7, Lines 56-63, describes the user able to command the target device with control of touch screen, i.e., a controlling operation to control the piece of equipment), and a part of remote control codes of a group of remote control codes for a predetermined controlling operation on the target equipment (Col. 3, Lines 30-33);

and transmission means for transmitting to the target equipment the remote control code (Col. 7, Lines 49-51, describes the user able to command the target device with control of touch screen, i.e., a controlling operation to control the piece of equipment) associated with an operation button pressed by a user in advance and the remote control code to perform the predetermined controlling operation on the target equipment in response to a user operation (Col. 3, Lines 30-33 and Col. 7, Lines 56-63, user commands the remote device).

Although Stenman teaches remotely controlling such devices as TV/VCR (Col. 7, Lines 15-21), Stenman does not specifically teach a code definition unit with code numbers and using a group of remote control codes formed by a remote control code associated with an operation button pressed by a user in advance and the part of remote control codes to perform the predetermined controlling operation on the target equipment in response to a user operation. Shim, however, teaches a group of remote control codes formed by a remote control code associated with an operation button pressed by a user in advance and the part of remote control codes to perform the predetermined controlling operation on the target equipment in response to a user operation (Col. 1, Lines 32-58).

Stenman and Shim are analogous art because they are from a similar field of endeavor in providing control of other devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Stenman with the teaching of Shim of a group of remote control codes formed by a remote control code associated with an operation button pressed by a user in advance and the part of remote control codes to perform the predetermined controlling operation on the target equipment in response to a user operation to provide a more user friendly remote control (col. 1, lines 32-58).

Regarding claims 22, 32 and 38, Stenman et al. teaches a mobile telephone with remote-controlling capability which remote-controls target equipment (Col. 3, Lines 22-29 and Col. 7, Lines 56-63), comprising:

an operation unit having a plurality of operation buttons (Col. 7, Lines 56-63);
storage means for storing various remote control codes associated with the plurality of operation buttons in a one-to-one relationship for various controlling operations on the target equipment (Col. 3, Lines 30-33 and Col. 7, Lines 56- 63);

and transmission means for transmitting to the target equipment a remote control code associated with one button of the plurality of operation buttons (Col. 7, Lines 49-51) when the one button is pressed and when the mobile telephone is set in a first remote control mode (Col. 3, Lines 30-33 and Col. 7, Lines 56-63).

Although Stenman teaches remotely controlling such devices as TV/VCR (Col. 7, Lines 15-21), Stenman does not specifically teach a code definition unit and a first group of remote control codes for a predetermined first controlling operations on the target equipment, and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment; and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode, and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode. Shim, however, teaches teach a first group of remote control codes for a predetermined first controlling operations on the target equipment (Col. 1, Lines 32-58), and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment (Col. 3, Lines 58-

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60 and Col. 4, Lines 35-42); and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode (Col. 3, Lines 32-58), and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode (Col. 3, Lines 58-60 and Col. 4, Lines 35-42).

Stenman and Shim are analogous art because they are from a similar field of endeavor in providing control of other devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Stenman with the teaching of Shim of a first group of remote control codes for a predetermined first controlling operations on the target equipment, and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment; and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode, and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode to provide a more user friendly remote control (Col. 1, Lines 32-58).

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Regarding claims 26 and 36, Stenman et al. teaches a mobile telephone with remote-controlling capability which remote-controls target equipment (Col. 3, Lines 22-29 and Col. 7, Lines 56-63) comprising:

storage means for storing a group of remote control codes for only one predetermined controlling operation to be performed on the target equipment (col. 3, lines 30-33; col. 7, lines 56-63, mobile station with control commands to which a device is responsive);

and transmission means for transmitting to the target equipment remote control codes for only one predetermined controlling operation on the target equipment in response to a user operation (col. 7, Lines 49-65, describe the user able to command the target device with control of touch screen, i.e., a controlling operation to control the piece of equipment).

Although Stenman teaches remotely controlling such devices as TV/VCR (Col. 7, Lines 15-21), Stenman does not specifically teach transmitting a group of remote control codes stored in the storage means in response to a user operation. Shim, however, teaches transmitting a group of remote control codes stored in the storage means in response to a user operation (Col. 1, Lines 32-58).

Stenman and Shim are analogous art because they are from a similar field of endeavor in providing control of other devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Stenman with the teaching of Shim of transmitting a group of remote

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control codes stored in the storage means in response to a user operation to provide a more user friendly remote controlling of devices (Col. 1, Lines 32-58).

Regarding claims 29 and 37, Stenman et al. teaches a remote-controlling method for a mobile telephone with remote-controlling capability which remote-controls target equipment (Col. 3, Lines 22-29 and Col. 7, Lines 56-63), and has an operation unit and storage means for storing various remote control codes associated with a plurality of operation buttons of the operation unit in a one-to-one relationship for various controlling operations on the target equipment (Col. 3, Lines 30-33 and Col. 7, Lines 56-63), and a part of remote control codes of a group of remote control codes for a predetermined controlling operation on the target equipment (Col. 3, Lines 29-33), comprising:

a step of transmitting to the target equipment a remote control code formed by the part of remote control codes stored in the storage means (Col. 7, Lines 49-51) and a remote control code associated with an operation button pressed by a user in advance to perform the predetermined controlling operation on the target equipment in response to a user operation (Col. 7, Lines 56-63).

Although Stenman teaches remotely controlling such devices as TV/VCR (Col. 7, Lines 15-21), Stenman does not teach using a group of remote control codes formed by the part of remote control codes stored in the storage means. Shim teaches using a group of remote control codes formed by the part of remote control codes stored in the storage means (Col. 1, Lines 32-58). Shim, however, teaches using a group of remote

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control codes formed by the part of remote control codes stored in the storage means (Col. 1, Lines 32-58).

Stenman and Shim are analogous art because they are from a similar field of endeavor in providing control of other devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Stenman with the teaching of Shim using a group of remote control codes formed by the part of remote control codes stored in the storage means to provide a more user friendly remote control (Col. 1, Lines 32-58).

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman in view of Shim and further in view of August et al (U.S. Patent No. 5,671,267).

Regarding claim 17, Stenman further teaches wherein the target equipment is a video recording device (Col. 7, Lines 16-18), but does not teach the group of remote control codes forms recording information for recording of a program.

August teaches the group of remote control codes forms recording information for recording of a program (Col. 8, Lines 29-33). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Stenman and Shim with the teachings of August wherein the group of remote control codes forms recording information for recording of a program in order to provide remote control and wireless communications in a single device (Col. 1, Lines 29-33).

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4. Claims 18,21, 25, 28, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman in view of Shim and further in view of Wall et al. (U.S. Patent Publication No. 2003/0156053).

Regarding claims 18, 21, Stenman and Shim teach the limitations of claims 16/19, but do not teach downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server, which is connected to a communications network, and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship, through the communications network, and storing the various remote control codes in said storage means.

Wall et al teaches downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server (par.20), which is connected to a communications network (par. 20), and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship (Figure 1, pars. 20-23), through the communications network (par. 20), and storing the various remote control codes in said storage means (par. 23).

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Stenman et al and Shim with the teaching of Wall et al of downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server, which is connected to a communications network, and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship, through

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the communications network, and storing the various remote control codes in said storage means so that the remote control device can receive programming via the manufacturers web site (par. 20).

Regarding claim 25, Stenman et al. and Shim teach the limitations of claim 25, but do not teach wherein each remote control code stored in said storage means is received from a server connected to a communications network through the communications network. Wall et al teaches each remote control code stored in said storage means is received from a server connected to a communications network through the communications network (0020, 0023 and Figure 1).

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Stenman et al. and Shim with the teaching of Wall et al wherein each remote control code stored in said storage means is received from a server connected to a communications network through the communications network so that the remote control device can receive programming via the manufacturers web site (par. 20).

5. Claim 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman et al. and Shim and further in view of Wall et al. (U.S. Patent Publication No. 2003/0156053).

Regarding claim 28, Stenman and Shim teach the limitations of claims 22/26, but do not teach downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server, which is connected to a communications network, and has the various remote control codes associated with the

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plurality of operation buttons in a one-to-one relationship, through the communications network, and storing the various remote control codes in said storage means.

6. Claims 31, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman et al. and Shim and further in view of Wall et al. (U.S. Patent Publication No. 2003/0156053).

Regarding claims 31, 35, Stenman and Shim teach the limitations of claims 29, 32, but do not teach downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server, which is connected to a communications network, and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship, through the communications network, and storing the various remote control codes in said storage means.

Wall et al teaches downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server (par.20), which is connected to a communications network (par. 20), and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship (Figure 1, pars. 20-23), through the communications network (par. 20), and storing the various remote control codes in said storage means (par. 23).

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Stenman and Shim with the teachings of Wall et al of downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server, which is

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connected to a communications network, and has the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship, through the communications network, and storing the various remote control codes in said storage means so that the remote control device can receive programming via the manufacturers web site (par. 20).

7. Claims 20,23,24,27,30,33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman et al. and Shim and further in view of August et al. (U.S. Patent No. 5,671,267).

Regarding claims 23, 27 and 33, Stenman et al. further teaches wherein the target equipment is a video recording device (Col. 7, Lines 16-18), but does not teach the group of remote control codes forms recording information for recording of a program.

August teaches the group of remote control codes forms recording information for recording of a program (Col. 8, Lines 29-33).

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Stenman et al. and Shim with the teaching of August et al. wherein the group of remote control codes forms recording information for recording of a program to provide remote control and wireless communications in a single device (Col. 1, Lines 29-33).

Regarding claims 20, 24, Stenman et al. and Shim teach the limitations of claims 20, 24, but do not teach wherein the group of remote control codes forms time setting information for setting a time on the target equipment. August teaches wherein the

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group of remote control codes forms time setting information for setting a time on the target equipment. (Col. 8, Lines 29-33).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Stenman and Shim with the teachings of August wherein the group of remote control codes forms time setting information for setting a time on the target equipment to provide remote control and wireless communications in a single device (Col. 1, Lines 29-33).

Regarding claims 30 and 34, Stenman et al. and Shim teach the limitations of claims 30 and 34, but do not teach wherein the group of remote control codes forms time setting information for setting a time on the target equipment. August teaches wherein the group of remote control codes forms time setting information for setting a time on the target equipment. (Col. 8, Lines 29-33).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Stenman and Shim with the teachings of August wherein the group of remote control codes forms time setting information for setting a time on the target equipment to provide remote control and wireless communications in a single device (Col. 1, Lines 29-33).

8. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenman in view of Shim in view of Wall et al. (U.S. Patent Publication No. 2003/0156053).

Regarding claim 39, Stenman et al. teaches a remote control system, comprising:

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a mobile telephone with remote-controlling capability which has an operation unit provided with a plurality of operation buttons, and remote-controls target equipment (Col. 3, Lines 22-29); wherein said mobile telephone comprises:

storage means (Col. 3, Lines 30-33 and Col. 7, Lines 56-63);

and transmission means for transmitting to the target equipment a remote control code associated with one button of the plurality of operation buttons when the one button is pressed and when the mobile telephone is set in a first remote control mode (Col. 7, Lines 49-51),

but does not teach a first group of remote control codes for a predetermined first controlling operations on the target equipment, and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment; and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode, and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode.

Shim, however, teaches teach a first group of remote control codes for a predetermined first controlling operations on the target equipment (Col. 1, Lines 32-58), and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment (Col. 3, Lines 58-60 and Col. 4, Lines 35-42);

and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode (Col. 3, Lines 32-58), and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode (Col. 3, Lines 58-60 and Col. 4, Lines 35-42).

Thus, at the time the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Stenman with the teachings of Shim of a first group of remote control codes for a predetermined first controlling operations on the target equipment, and a part of a remote control codes of a second group of remote control codes for a predetermined second controlling operation on the target equipment Col. 1, Lines 32-58);

and transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode, and transmitting to the target equipment the second group of remote control codes pressed by a user in advance and the part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode to provide a more user friendly remote control (Col. 1, Lines 32-58).

Stenman and Shim teach the limitations of claim 39, but do not teach a server which is connected to a communications network, and stores various remote control codes associated with the plurality of operation buttons in a one-to-one relationship for various controlling operations on the target equipment, download means for

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downloading the various remote control codes, the first group of remote control codes, and the part of remote control codes from said server through the communications network, and storing the downloaded codes in said storage means.

Wall, however, teaches a server which is connected to a communications network (par. 20), and stores various remote control codes associated with the plurality of operation buttons in a one-to-one relationship for various controlling operations on the target equipment (par. 20 and par. 23), download means for downloading the various remote control codes (par. 20), the first group of remote control codes, and the part of remote control codes from said server through the communications network (par. 20), and storing the downloaded codes in said storage means (0023).

Thus, at the time the invention, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Stenman and Shim with the teachings of Wall with a server, taught by Wall, which is connected to a communications network, and stores various remote control codes associated with the plurality of operation buttons in a one-to-one relationship for various controlling operations on the target equipment, download means for downloading the various remote control codes, the first group of remote control codes, and the part of remote control codes from said server through the communications network, and storing the downloaded codes in said storage means so that the remote control device can receive programming via the manufacturers web site (par. 20).

Regarding claim 40, the combination discloses claim 39, various control codes associate with plurality of operation buttons to be used to control different operations (Stenman, Col. 3, Lines 30-33 and Col. 7, Lines 56-63).

(10) Response to Argument

REMARKS:

1) *The new limitations added with the submission of RCE on October 22, 2010 and amendment of March 23, 2010, "only one" and "batch," respectively, were not addressed or argued on present Appeal Brief, February 22, 2011.*

2) *The arguments presented on present Appeal Brief are the same arguments, in their entirety, that were presented on the Appeal Brief filed on January 28, 2008, which the Board of Patent Appeals and Interferences affirmed on August 26, 2009, (please see BPAI Decision - Examiner Affirmed, dated August 26, 2009).*

Applicants argue that Shim does not teach a group of remote control codes for **one** operation: that limitation is not claimed in any of the claims 16, 22, 26, 32, 36, 38, or 39.

Those claims, 16, 22, 26, 32, 36, 38, or 39, merely point out *a group of codes for carrying out an operation*, which limitation does not support a *limitation of a single operation*.

Applicants argues that Shim does not teach the group of codes are transmitted to **one** target apparatus; that limitation is not claimed in any of the claims 16, 22, 26, 32, 36, 38 or 39.

Those claims, 16, 22, 26, 32, 36, 38, or 39, merely point out *remotely “controlling” “target equipment”*, which limitation does not support a limitation of *one target equipment*.

Appellant argues that Shim dos not teach a “group or remote control codes, ” (page 17, third and fourth paragraph) and further argues that Shim teaches a single code for controlling a single function and does not teach forming a group of remote control codes that are formed by a remote control code associated with an operation button pressed by a user and part of a remote control codes in response to a user operation.

The examiner respectfully disagrees: Shim teaches the use of a remote controller that provides the execution of “multistage operation” in accordance with a specific key input (see column 1, lines 56-58).

Shim further describes the conventional usage of a remote controller and that by pressing a single button on the controller (remote) provides data/remote control code, which corresponds to the key pressed and that when executing more than one operation the user must press the sequence of buttons required to perform the multistage operation. Thus, Shim provides a multistage operation with a single pressing of a key (button). With a single press of a button, **a plurality of data/remote control codes are executed**. The examiner interprets plural data

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as a group of remote control codes and the single press of the button as a remote control code.

Shim teaches in column 1, in lines 21-53, "A standard remote controller is equipped with a plurality of keys for controlling predetermined operations, and the user's manipulation of each supplies only one kind of data, corresponding to the key pressed, to initiate a specific function of one appliance...." Furthermore, Figure 3 describes two consecutive operations of pressing a first button and then a second button each operation having a header and control code. Also Figure 4 shows the multistage operation of pressing one button which creates a single code formed by a group of control codes.

Appellants argue that Shim does not teach storing a part of remote control codes of a group of remote control codes (pages 18-19, last paragraph, page 18; end of page 19) . The examiner has reasonably interpreted "the group" as the entire set of remote control codes of each button. The "multistage" operation button may contain one, two, three, and as many control codes are desired. Shim shows in Figure 1 buttons that simply switches that go to the controller and the controller stores the codes shown in Figures 3 and 4. There is nothing in the claim that states that a user can add certain information to the stored part of remote control codes, such as the hour, day, minute and year, which would correspond to the hour, day, minute and year code pre-stored in the group.

Appellants further argue that Shim does not teach "transmitting to the target equipment a remote control code associated with one button of the plurality of operation

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buttons when the one button is pressed and when the mobile station is in first mode; transmitting to the target equipment the first group of remote control codes in response to a user operation when the mobile telephone is set in a second remote control mode; and transmitting to the target equipment the second group of remote control codes formed by a remote control code associated with an operation button pressed by a user in advance and part of remote control codes in response to a user operation when the mobile telephone is set in a third remote control mode.” (page 20, last two paragraphs).

Firstly, the examiner only describes the remote control features of Shim and does not claim that Shim teaches a mobile telephone. Secondly, the claims do not indicate the user sets of remote control modes or described the modes, and the examiner, thus relies on the general definition of mode as being a manner, a way, or how something is done or how it happens, or doing or acting; a particular functioning condition or arrangement.

The examiner takes a reasonable interpretation of “the modes” as the functionality of the remote control device. For instance, when the remote control is used to operate a television set and the television is powered off, the only button on the remote controller that provides an operation is the power button. Thus, the Examiner reasonably interprets this with the “first mode.” In which mode, the user selects the power button that in turn puts the remote control in a second mode and allows to switch a channel, adjust volume and other actions of the TV.

In the second mode, the user may select to turn a specific channel, channel 3, for instance, and turn the VCR on with the multistage operation button which consists of a group of control codes.

Shim also teaches a combination of TC/VCR remote controller which is known to consist of buttons for both remote control of the TV and the VCR. When the VCR is powered ON, the buttons for the VCR are functional, putting the remote controller into a third mode. Another multistage operation button consisting of subset of the entire set of control codes could then be selected to play the VCR in Fast-Forward.

Shim teaches in column 3, lines 58-59 that “In step S30, it is determined that the key is one which provides plural data instructions” indicating there are can be more one multistage operation key, also teaches in column 4, lines 35-42 that “in the above described embodiment, the turning on of a VCR and the channel selection of a television are given as examples, but the data transmission method of the remote controller according to the present invention can be used to carry out any desired consecutive operations which ordinarily would require key manipulation of the remote controller more than twice.”

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 2617

/J. P./
Examiner, Art Unit 2617

Conferees:

/JULIO PEREZ/

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